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DOCKET NO: 368-011B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
K. Park et al. :
Serial No: 09/811,248 : Art Unit: 1796
Filed: March 16, 2001 : Examiner: J. Cooney
For: SUPER-ABSORBENT :
HYDROGEL FOAMS : Confirmation No: 8278

PETITION UNDER 37 CFR 1.57(a)-Substitute

Mailstop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submitted a Petition under 37 CFR 1.57(a) on August 15, 2008 for the purpose of amending the above-referenced patent application to include inadvertently omitted portions of the specification. The petition fee set forth at 37 CFR 1.17(f) accompanied that petition.

The undersigned attorney has confirmed on Public Pair that action has not yet been taken on that Petition. Accordingly, the instant substitute Petition is hereby submitted in order to conform to Office formalities, i.e., whereby the proposed Amendments to the Specification are presented as a separate document (accompanying). No fee is required.

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Substitute Petition dated October 16, 2008

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Statement of Facts

The present application is a division of USSN 08/855,499, filed May 13, 1997, now U.S. Patent No. 6,271,278, which is a continuation-in-part of USSN 08/416,269, filed April 4, 1995, now U.S. Patent No. 5,750,585.

Patent '278 is the subject of reissue application USSN 10/807,227, filed March 22, 2004. USSN 10/807,227 claims the benefit under 37 CFR 1.78 of USSN 08/416,269, which claim was present on the filing date of the application.

The amendments to the specification presented as a separate paper herewith represent select portions of the specification of Patent '585. Those portions are found in Patent '585 as follows:

Paragraphs [0001-0004] are found at col. 3, line 18 - col. 4, line 6.

Paragraph [0005] is found at col. 5, lines 23-42 of U.S. Pat. No. 4,178,361, the pertinent disclosure of which, i.e., hydrophilic monomers, is expressly incorporated by reference into Patent '585 (see col. 3, line 67).

Paragraphs [0006-0008] are found at col. 4, lines 7-47.

Paragraph [0009] is found at col. 5, lines 19-38.

Paragraphs [0010-0011] are found at col. 6, lines 40-56.

Paragraphs [0012-0015] are found at col. 8, lines 30-67.

Paragraph [0016] is found at col. 9, lines 11-19.

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Points to be Reviewed and Action Requested

The Official Action mailed June 16, 2008 indicated that the amendments to the specification submitted on May 15, 2008 sought to introduce new matter into the application. The Action further indicated that incorporation of the added subject matter needed to be made by way of petition under 37 CFR 1.57(a). Accordingly, Applicants hereby respectfully request the Commissioner to direct amendment of the specification to incorporate those portions of Patent '585 presented hereinabove.

The Declaration of co-inventors Kinam Park and Haesun Park forwarded herewith establishes that the aforementioned subject matter was inadvertently omitted from the instant specification. The inventors state in their Declaration that the preparation and filing of Patent '585 was tasked by their assignee, Purdue Research Foundation, to the Barnes & Thornburg law firm. Subsequently, the inventors themselves tasked preparation and filing of the parent of the instant application to the Lowe, Price, LeBlanc & Becker law firm. Due to unfamiliarity with U.S. patent laws, the inventors were unaware of the legal significance of their first invention disclosure and co-pending patent application to the preparation and filing of the second. As a result, the parent of the present application was filed without it containing certain portions of the earlier specification, whether by copying of text, incorporation by

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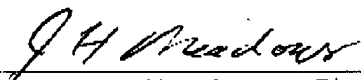
reference, or claiming the benefit of the earlier application.

Certain portions of the prior specification were thereby inadvertently omitted from the instant application.

In view of the remarks presented hereinabove, the Amendments to the specification, and the accompanying Declaration of the co-inventors, the Commissioner is respectfully requested to direct entry of the aforementioned amendments to the specification.

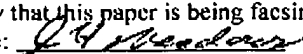
If the Examiner or Office of Petitions has any question, in order to expedite prosecution the undersigned attorney can be reached at the telephone number given below.

Respectfully submitted,


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Date: October 16, 2008

CERTIFICATION OF FACSIMILE TRANSMISSION

I, James H. Meadows, hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown. Signature:  Date: 10/16/2008